



DAC /MM
JWW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Susanna M. RYBAK *et al.*

Confirmation No.: 6876

Application No.: 09/961,400

Art Unit: 1642

Filed: September 25, 2001

Examiner: YU, Misook

For: IMMUNOCONJUGATES OF TOXINS DIRECTED AGAINST MALIGNANT CELLS

**Petition for Revival of Application
Abandoned Unintentionally under 37 C.F.R. § 1.137(b)**

Mail Stop Petition Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The captioned application became abandoned on January 15, 2005, for failure to timely respond to the Office Action mailed July 15, 2004. A Notice of Abandonment mailed March 8, 2005, had been reviewed. By the instant paper, the undersigned respectfully petitions for revival under 37 C.F.R. § 1.137(b) of the captioned application which was abandoned unintentionally.

Pursuant to 37 C.F.R. § 1.137(b), Applicants state that:

- 1) A continuation application was filed to meet the response deadline of the parent Application No. 09/961,400, along with a Petition for Extension of Time and appropriate fees;
- 2) The undersigned received a Notice of Incomplete Nonprovisional Application, dated March 2, 2005, indicating that the continuation application, Application No. 11/036,364, did not receive a filing date;

03/31/2005 JADDO1 00000071 081641 09961400

01 FC:1453 130.00 DA 1370.00 OP

- 3) The undersigned respectfully requests that the parent application, Application No. 09/961,400, be revived, in order that the applicants may receive the benefit of the priority date of the parent application;
- 4) A petition fee as set forth in 37 C.F.R. § 1.17(m) is submitted herewith;
- 5) The entire delay in filing the required reply from the due date for the reply until the filing of the instant petition was unintentional; and
- 6) The undersigned respectfully submits that since the captioned application was filed after June 8, 1995, a grantable petition does not require a Terminal Disclaimer.

A Petition in connection with the filing date of the continuation application, Application No. 11/036,364, is being filed separately.

Although the undersigned believes that the correct fees are attached, the Commissioner is authorized to credit any overpayment or charge any deficiency to Deposit Account No. 08-1641.

Respectfully submitted,

Date: March 30, 2005

Heller Ehrman White & McAuliffe
1717 Rhode Island Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 912-2000
Facsimile: (202) 912-2020

Paul M. Booth
f/s _____
Paul M. Booth
(Reg. No. 48,986)

Attorney for Applicants
Customer I.D. No. 26633

COMBINED FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,370.00)

Complete if Known	
Application Number	09/961,400
Filing Date	9/25/2001
First Named Inventor	Susanna M. RYBAK et al.
Examiner Name	YU, Misook
Art Unit	1642
Attorney Docket No.	40923-0100 US

*RECEIVED
MAR 30 2005
PATENT & TRADEMARK OFFICE*

METHOD OF PAYMENT (check one)

<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
---	--------------------------------------	--------------------------------------	--------------------------------	-------------------------------

Deposit Account Number: **08-1641**

Deposit Account Name: Heller Ehrman White & McAuliffe LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below

Credit any overpayments and charge any deficiencies

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the deposit account

FEE CALCULATION (continued)

4. PETITION FEES UNDER 37 CFR 1.17 (f) Fee Code: 1462 Fee \$ 400 For petitions filed under: § 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)	Fee Paid
5. PETITION FEES UNDER 37 CFR 1.17 (g) Fee Code: 1463 Fee \$ 200 For petitions filed under: § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25	Fee Paid
6. PETITION FEES UNDER 37 CFR 1.17 (h) Fee Code: 1464 Fee \$ 130 For petitions filed under: § 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314	Fee Paid
7. PROCESSING FEES UNDER 37 CFR 1.17 (i) Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under: § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81	Fee Paid

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	135	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
SUBTOTAL (1)				\$			

2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above	Fee Paid
Total Claims	-20** =	0	50 =
Independent Claims	-3** =	0	x 200 =
Multiple Dependent		360	=
SUBTOTAL (2)			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the a whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
67	-100 =	0	1900/50 =	x 250 OR x 125
SUBTOTAL (3)		\$		

8. OTHER FEES

Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
430	215	Extension for reply within second month	
980	490	Extension for reply within third month	
1,530	765	Extension for reply within fourth month	
2,080	1,040	Extension for reply within fifth month	
340	170	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,370	685	Petition to revive - unintentional	1,370
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
300	150	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	
Other fee (specify)			
SUBTOTAL (4+5+6+7+8)			\$ 1,370

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)	Paul M. Booth, Ph.D.	Registration No. (Attorney/Agent)	40,244	Telephone	202-912-2000
Signature	<i>Paul M. Booth, Ph.D.</i>		Date	3/30/2005	
				Customer No.	26633

(Reg. 48,986)